

#5 / Restriction Election

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: : IMPROVEMENTS IN EL TYPE
 Noel S. Moen et al. : PULVERIZERS
 Filed: October 27, 2000 :
 Serial No: 09/698,558 :
 Art Unit: 3725 :
 Examiner: M. Rosenbaum : (Case 6103)

FAX RECEIVED
 JUN 27 2003
 GROUP 3700

Mail Stop RESPONSES
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Notice of Restriction Requirement mailed May 28, 2003, Applicants provisionally elect to prosecute the invention of Invention I, claims 1-17, without traverse, subject to the filing of Divisional applications on the subject matter of Invention II, claims 18-20 and Invention III, claims 21-23.

Applicants respectfully await receipt of the first Office Action on the merits.

<p><u>CERTIFICATE OF FACSIMILE TRANSMISSION</u></p> <p>I hereby certify that this correspondence is addressed to Mail Stop RESPONSES, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, and is being transmitted via facsimile to Art Unit 3725 facsimile telephone number 703-872-9302 for the attention of Examiner Mark Rosenbaum on</p> <p><u>6-27-03</u> Date</p> <p><u>Carolyn Mahoney</u> By: Carolyn Mahoney</p>	<p>Respectfully submitted,</p> <p><u>Eric Marich</u> Eric Marich, Reg. No. 32,265</p> <p>THE BABCOCK & WILCOX COMPANY Patent Department 20 S. Van Buren Avenue Barberton, Ohio 44203 (330) 860-6605</p>
---	--

PTO/SB/21 (03-03)

Approved for use through 04/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/698,558	
	Filing Date	October 27, 2000	
	First Named Inventor	Noel S. Moen	
	Art Unit	3725	
	Examiner Name	M. Rosenbaum	
Total Number of Pages in This Submission	2	Attorney Docket Number	Case 6103

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks RESPONSE TO RESTRICTION REQUIREMENT		
FAX RECEIVED JUN 27 2003 GROUP 3700		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual	ERIC MARICH REG. NO. 32,265	
Signature	<i>Eric Marich</i>	
Date	June 27, 2003	

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 6/27/2003		
Typed or printed	Carolyn Mahoney	
Signature	<i>Carolyn Mahoney</i>	Date June 27, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.